



Entered on Docket
January 30, 2009

A handwritten signature in black ink, appearing to read "Linda B. Riegle", is located to the right of the docket entry.

Hon. Linda B. Riegle
United States Bankruptcy Judge

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**UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA**

In re:

USA Commercial Mortgage Company,

USA Capital Realty Advisors, LLC,¹

USA Capital Diversified Trust Deed Fund, LLC,

USA Capital First Trust Deed Fund, LLC,²

USA Securities, LLC,³

Debtors.

Affects:

- ☐ All Debtors
- ☒ USA Commercial Mortgage Company
- ☐ USA Capital Realty Advisors, LLC
- ☐ USA Capital Diversified Trust Deed Fund, LLC
- ☐ USA Capital First Trust Deed Fund, LLC
- ☐ USA Securities, LLC

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR¹
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR²
Case No. BK-S-06-10729-LBR³

CHAPTER 11

Jointly Administered Under Case No. BK-S-06-10725 LBR

**ORDER SUSTAINING SECOND
OMNIBUS OBJECTION OF USACM
TRUST TO PROOFS OF CLAIM
BASED, IN WHOLE OR IN PART,
UPON INVESTMENT IN THE
PRESERVE AT GALLERIA, LLC
LOAN**

Hearing Date: January 22, 2009
Hearing Time: 9:30 a.m.

¹ This bankruptcy was closed on September 23, 2008.

² This bankruptcy case was closed on October 12, 2007.

³ This bankruptcy case was closed on December 26, 2007.

1 Pending before the Court is the USACM Liquidating Trust's Second Omnibus
2 Objection of USACM Trust to Proofs of Claim Based, in Whole or in Part, Upon
3 Investment in the Preserve At Galleria, LLC Loan (the "Objection") [DE 6639]. Adequate
4 notice of the Objection was given. The Court heard the Objection on January 22, 2009.
5 No responses were filed to the Objection and no opposition was raised at the hearing.
6 Good cause appearing,

7 IT IS ORDERED:

- 8 • Sustaining the Objection;
- 9 • Disallowing the Proofs of Claim listed on Exhibit A attached to the extent they
10 are based upon an investment in the Preserve At Galleria, LLC Loan. The
11 Proofs of Claim listed in Exhibit A are not affected by this order to the extent
12 they are based upon an investment in a loan(s) other than the Preserve At
13 Galleria, LLC Loan; and
- 14 • Reserving the right of any party in interest, including the USACM Trust, to
15 further object to the Proofs of Claim listed on Exhibit A attached.

16 ###

17 PREPARED AND SUBMITTED:

18 **LEWIS AND ROCA LLP**

19 By: /s/ John Hinderaker (#18024)
20 Rob Charles
21 John Hinderaker
22 *Attorneys for USACM Liquidating Trust*
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CERTIFICATION OF COUNSEL PURSUANT TO LOCAL RULE 9021

In accordance with Local Rule 9021, the undersigned certifies:

- ☐ The Court waived the requirements of approval under LR 9021.
- ☐ No parties appeared or filed written objections, and there is no trustee appointed in the case.
- ☒ No opposition was filed to the motion and no other party or counsel appeared at the hearing.
- ☐ I have delivered a copy of this proposed order to all attorneys and unrepresented parties who have appeared at the hearing, and any trustee appointed in the case, and each has approved or disapproved the order, or failed to respond, as indicated below:

LEWIS AND ROCA LLP

By: /s/ John Hinderaker (#18024)
Rob Charles
John Hinderaker
Attorneys for USACM Liquidating Trust

**PRESERVE AT GALLERIA LOAN
SECOND OMNIBUS OBJECTION**

**EXHIBIT A
Multiple Loan Claims**

| Claim | Name | Address | Total Claim Amount | Approximate Amount Subject to Objection Because it Relates to an Investment In the Preserve at Galleria Loan |
|--------------------|---|--|---------------------------|---|
| 10726-00067 | D. Joseph Douchet | Trustee of Douchet Trust 3301 Skyline Boulevard Reno, NV 89509-6604 | \$502,335.71 | \$30,000.00 |
| 10725-00418 | Foxcroft Living Trust Dtd 1/10/02 | Fred J. and Roberta Foxcroft Ttees P.O. Box 362 Carnelian Bay, CA 96140-0362 | \$553,778.99 | \$50,000.00 |
| 10725-02467 | Foxcroft Living Trust Dtd 1/10/02 | Fred J. and Roberta Foxcroft Ttees P.O. Box 362 Carnelian Bay, CA 96140-0362 | \$553,778.99 | \$50,000.00 |
| 10725-00302 | Ruby M. Hill Family Trust Dtd 12/12/92 | c/o Ruby M. Hill Trustee 7855 North Pershing Avenue Stockton, CA 95207-1749 | \$4,005.00 | \$1,361.00 |
| 10725-02122 | Huffman Family Trust Dated 5/28/98 | Hilary A. and Cynthia L Huffman Ttees 140 Gazelle Road Reno, NV 89511 | \$101,416.23 | \$25,000.00 |
| 10725-02140 | Dr. Russell Millar | 923 Ceres Road Palm Springs, CA 92262 | \$12,285.97 | Unclear |
| 10725-01998 | Murray Trust | c/o Aimee E. Kearns Trustee 5886 North Bonita Vista Street Las Vegas, NV 89149-3911 | \$364,717.94 | \$101,791.67 |
| 10725-02150 | Newman Family Trust Dtd 9/20/97 | Larry J. and Elsie D. Newman Ttees 1775 Autumn Valley Way Reno, NV 89523 | \$500,119.23 | \$49,600.00 |
| 10725-02121 | Olga O'Buch Trust Dtd 5/28/98 | Olga O'Buch Ttee 140 Gazelle Road Reno, NV 89511 | \$253,701.76 | \$25,000.00 |